

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 20, 2003

There are no minutes for this date.

January 21, 2003

At 9:30 a.m. the court met in the Library & Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Raye, Associate Justice and Facey, Bailiff. Calendar called.

C039102 SAMANTHA H., a Minor, etc. v. FIELDS

Cause called. Dennis M. Wilson argued for appellant. Pete J. Pullen argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 9:57 a.m., the court reconvened.

C038830 CLARK, a Minor, etc. et al. v. FAIR OAKS RECREATION AND PARK DISTRICT and COLUMBIA CASCADE

Cause called. William J. Schmidt argued for defendant-cross-complainant-appellant. Moseley C. Collins argued for plaintiff. Gary T. Drummond appeared only for defendant-cross-defendant-respondent. Cause submitted.

At 10:27 a.m., the court recessed. At 10:32 a.m., the court reconvened with Sims, Associate Justice; Callahan, Associate Justice; and Robie, Associate Justice.

C039992 THE PEOPLE v. HECKENLIABLE

Cause called. Sharon L. Lapin argued for appellant. Susan J. Orton, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:55 a.m., the court recessed. At 2:00 p.m., the court reconvened with Raye, Associate Justice; Callahan, Associate Justice; and Hull, Associate Justice.

C040262 MACKEY et al. v. DEPARTMENT OF CORRECTIONS et al.

Cause called. Aelish Marie Baig argued and Barbara A. Lawless appeared only for appellant. Timothy G. Yeung, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed at 2:30 p.m., until 9:30 a.m., Wednesday, January 22, 2003.

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January 21, 2003, continued

C038396 THE PEOPLE v. YARMOLYUK (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Robie, J.

C039868 THE PEOPLE v. SHERMAN (Not for Publication)

The judgment is affirmed.

SIMS, J.

We concur: Scotland, P.J.

Robie, J.

C040007 THE PEOPLE v. CLARK (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Davis, Acting P.J.

Robie, J.

January 22, 2003

At 9:33 a.m. the court met in the Library & Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Callahan, Associate Justice and Guzman, Bailiff. Calendar called.

C038533 ANANDA CHURCH OF SELF-REALIZATION, etc. v. STATE FARM FIRE AND CASUALTY COMPANY

Cause called. Raymond C. Oleson argued for appellant and submitted additional citations. Pamela E. Dunn argued for respondent. Cause submitted.

At 10:11 a.m. the court recessed. At 10:15 a.m., court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Robie, Associate Justice.

C040075 ARBUCKLE-COLLEGE CITY FIRE PROTECTION DISTRICT v. COUNTY OF COLUSA et al.

Cause called. Robert D. Pontelle argued for appellant. Michael N. Mills argued for respondent. Cause submitted.

At 10:41 a.m. the court recessed. At 10:47 a.m., the court reconvened with Scotland, Presiding Justice; Morrison, Associate Justice; and Callahan, Associate Justice.

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January 22, 2003 continued

C041089 THE PEOPLE v. HUFFINES

Cause called. Timothy B. Balcom argued for appellant. J. Robert Jibson, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:04 a.m., court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Callahan, Associate Justice.

C038750 ANANDA CHURCH OF SELF-REALIZATION v. EVEREST NATIONAL INSURANCE COMPANY

Cause called. Raymond C. Oleson argued for appellant. Steven B. Bitter argued for respondent. Cause submitted.

C038514 ANANDA CHURCH OF SELF-REALIZATION v. AMERICAN INTERNATIONAL SURPLUS LINE INSURANCE COMPANY

Cause called. Raymond C. Oleson argued for appellant and submitted additional citations. Mark G. Bonino argued for respondent. Cause submitted.

C040306 THULIEN, as Trustee, etc. v. FEIGHT

C040307 THULIEN, as Trustee, etc. v. FEIGHT

Cause called. Laurence Padway argued for appellant. H. Craig Miller argued for respondent. Cause submitted.

Court recessed at 3:45 p.m., until 9:30 a.m., Friday, January 24, 2003.

C038855 THE PEOPLE v. ARRIAGA et al. (Not for Publication)

The convictions and special findings of both defendants on count one, the attempted murder of William Hunt, are affirmed. However, the convictions and special findings of both defendants on count two, the attempted murder of Matthew Hunt, are reversed. The sentences are vacated, and the matters are remanded to the trial court for resentencing and other proceedings consistent with the views expressed in this opinion.

SCOTLAND, P.J.

I concur: Davis, J.

I concur in the result.

Callahan, J.

C040284 THE PEOPLE v. JOSEPH (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We concur: Morrison, J.

Callahan, J.

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January 22, 2003, continued

- C041284 THE PEOPLE v. HALL (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Nicholson, J.
Morrison, J.
- C041480 THE PEOPLE v. JOHNSON (Not for Publication)**
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting the one-year concurrent term for the resisting offense (Pen. Code § 148) and to forward a certified copy of said corrected abstract to the Department of Corrections.
RAYE, J.
We concur: Blease, Acting P.J.
Callahan, J.
- C041545 In re W.R.; EL DORADO COUNTY DEPARTMENT OF SOCIAL SERVICES
v. N.P. (Not for Publication)**
The juvenile court's order is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
Sims, J.
- C040635 THE PEOPLE v. DAVIS (Certified for Publication)**
THE COURT:
It is ordered that the opinion filed herein on January 7, 2003, be modified as follows:...
There is no change in the judgment.
FOR THE COURT:
BLEASE, Acting P.J.
NICHOLSON, J.
ROBIE, J.
- C037185 THE PEOPLE v. SEEBOTH**
BY THE COURT:
Appellant's petition for rehearing is denied.
BLEASE, Acting P.J.

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January 23, 2003

- C038636** **THE PEOPLE v. JANSEN** **(Not for Publication)**
C039109
- Case No. 00F09034 is remanded to the trial court for a determination of presentence custody credit. In all other respects, the judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
 Callahan, J.
- C039413** **THE PEOPLE v. WILLIAMS** **(Not for Publication)**
- The judgment is reversed.
MORRISON, J.
We concur: Sims, Acting P.J.
 Raye, J.
- C040805** **THE PEOPLE v. SUMRALL** **(Not for Publication)**
- The judgment is affirmed.
RAYE, J.
We concur: Scotland, P.J.
 Blease, J.
- C034822** **BAYCOR LEASING, INC. v. CAPITOL INDEMNITY CORPORATION and**
FORD CONSTRUCTION COMPANY, INC., et al. **(Not for Publication)**
- The order granting the new trial to the Ford defendants is affirmed.
RAYE, Acting P.J.
We concur: Hull, J.
 Kolkey, J.
- C039770** **SMITH v. STATE PERSONNEL BOARD and DEPARTMENT OF**
DEVELOPMENTAL SERVICES **(Not for Publication)**
- The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
 Callahan, J.
- C041372** **In re S.M.; YUBA COUNTY HUMAN SERVICES AGENCY v. SAMANTHA G.**
 (Not for Publication)
- The visitation order is reversed, and the case is remanded for further proceedings consistent with this opinion.
HULL, J.
We concur: Sims, Acting P.J.
 Nicholson, J.

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January 23, 2003, continued

C037568 HENRICK v. FUERST (Not for Publication)

THE COURT:

It is ordered that the opinion filed herein on December 27, 2002, be modified as follows:....

There is no change in the judgment.

Plaintiff's petition for rehearing is denied.

FOR THE COURT:

CALLAHAN, Acting P.J.

HULL, J.

ROBIE, J.

**C038753 MARINE FORESTS SOCIETY et al., v. CALIFORNIA COASTAL COMMISSION
et al. (Certified for Publication)**

THE COURT:

It is ordered that the opinion filed in this case on December 30, 2002, be modified in the following particulars...

(There is no change in the judgment.)

Appellant's petition for rehearing is denied.

FOR THE COURT:

SCOTLAND, P.J.

DAVIS, J.

ROBIE, J.

C040476 HEBERT et al. v. CITY OF GRASS VALLEY et al.

BY THE COURT:

Appellant's petition for rehearing is denied.

RAYE, Acting P.J.

January 24, 2003

At 9:33 a.m. the court met in the Library & Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Davis, Associate Justice; Callahan, Associate Justice and Rios, Bailiff. Calendar called.

C040751 MEZZETTI v. MANTECA UNIFIED SCHOOL DISTRICT, et al.

Cause called. Albert C. Mezzetti, In Pro Per, argued for himself. Batya F. Swenson argued for respondent. Jaqueline J. Garman appeared only for respondent. Cause submitted

At 10:00 a.m., the court recessed. At 10:03 a.m. the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Kolkey, Associate Justice.

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C038386 MARTIN v. ALEXANDER et al.

Cause called. Robert A. Martin, In Pro Per, argued for himself. Timothy H. Stearns argued for respondent. Karen Robbins, In Pro Per respondent, did not appear. The motion to continue oral argument is denied. Cause submitted.

At 10:23 a.m. the court recessed. At 10:28 the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Raye, Associate Justice.

C038917 THE PEOPLE v. HARRIS

Cause called. Philip M. Brooks, court appointed counsel, argued for appellant. Judy Kaida, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:45 a.m., the court recessed. At 10:50 a.m., the court reconvened with Morrison, Associate Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

**C039495 KING v. THE SUPERIOR COURT OF SACRAMENTO COUNTY
and THE PEOPLE**

Cause called. Stephen Greenberg, court appointed counsel, argued for petitioner. Paul E. O'Conner, Deputy Attorney General, argued for respondent and real-party-in-interest. Cause submitted.

At 11:26 a.m., the court recessed. At 2:03 p.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Callahan, Associate Justice.

C037926 THOMAS v. SINCLAIR et al.

Cause called. Charity Kenyon argued for appellant. Mark G. Bonino argued for respondent. Cause submitted.

At 2:36 p.m., the court recessed. At 2:38 p.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Callahan, Associate Justice.

C037651 GLANDER v. MARSHALL HOSPITAL

Cause called. W. Eric Blumhardt argued for appellant. Charles A. Dell'Ario argued for and Richard C. Bennett appeared only for respondent. Cause submitted.

At 3:00 p.m., the court recessed. At 3:02 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Morrison, Associate Justice.

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We concur: Nicholson, J.
 Morrison, J.

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January 24, 2003, continued

- C039538 MACKLEY v. WEIS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
 Morrison, J.
- C041382 In re O.K. et al., DEPARTMENT OF HEALTH AND HUMAN SERVICES v.
MAXIMILLIAN K. et al.**
BY THE COURT:
Respondent's request to publish the opinion filed on January 10, 2003, is
denied.
 SIMS, Acting P.J.